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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) No. 4-05-70138 WDB
14 Plaintiff,)
15 v.)
16 ARTUR ROBER ROGOWICZ,)
17 Defendant.)

STIPULATION AND ORDER FOR
CONTINUANCE, EXTENSION OF TIME
TO CONDUCT PRELIMINARY
HEARING UPON DEFENDANT'S
CONSENT UNDER RULE 5.1(d), AND
EXCLUSION OF TIME UNDER THE
SPEEDY TRIAL ACT, 18 U.S.C. § 3161
ET SEQ.

18
19 Plaintiff United States of America, by and through its counsel of record Assistant United
20 States Attorney Deborah R. Douglas, and defendant Artur Rober Rogowicz ("defendant"), by and
21 through his counsel of record Alan A. Dressler, Esq., hereby stipulate as follows:

22 1. On February 25, 2005, an arrest warrant was issued based upon a criminal complaint
23 charging defendant with knowingly distributing MDMA (ecstasy), in violation of 21 U.S.C.
24 § 841(a)(1). On March 5, 2009, defendant was initially presented on the criminal complaint, and
25 time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., was excluded from March 5, 2009
26 through March 10, 2009. On March 10, 2009, the parties agreed that defendant should be released
27 on a \$150,000 bond signed by a surety. Defendant waived the timing of the preliminary hearing
28 and agreed to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., from

STIPULATION AND ORDER

1 March 10, 2009 through April 21, 2009. With defendant's consent and upon a showing of good
2 cause, this Court extended the time limit for a preliminary hearing under Rule 5.1(d) and excluded
3 time under the Speedy Trial Act from March 10, 2009 through April 21, 2009.

4 2. The parties stipulate and request that this matter be continued from Tuesday, April 21,
5 2009, to Tuesday, May 26, 2009, at 10 a.m. to allow the parties to explore the factual and legal
6 issues in this case and any interest of justice factors that may be considered in resolving this matter
7 without the necessity of a preliminary hearing or indictment. The parties believe that the granting
8 of additional time as requested will expedite the resolution of this matter, conserve judicial
9 resources, and benefit both the defendant and the government in reaching a fair and appropriate
10 disposition of this case.

11 3. For the foregoing reasons, the parties stipulate and agree that good cause exists to
12 extend the time limit for conducting a preliminary hearing or arraignment on an indictment or
13 information from April 21, 2009 to May 26, 2009 under Rule 5.1(d) of the Rules of Criminal
14 Procedure. The parties therefore stipulate and agree that the time from April 21, 2009 through
15 May 26, 2009 should be excluded in computing the time within which an information or indictment
16 must be filed pursuant to 18 U.S.C. §§ 3161(b) and (h). The parties further agree that the ends of
17 justice served by the continuance requested outweigh the best interests of the public and the
18 defendant in a speedy trial because the failure to grant such a continuance would unreasonably deny
19 the defendant adequate time to prepare, taking into account the exercise of due diligence, under the
20 Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv). The parties therefore stipulate and agree
21 that the time from April 21, 2009 through May 26, 2009 should be excluded under the Speedy Trial
22 Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

23 Dated: April 15, 2009

24

/s/
DEBORAH R. DOUGLAS
Assistant United States Attorney

25
26 Dated: April 15, 2009

/s/
ALAN A. DRESSLER, Esq.
Attorney for Defendant

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28 STIPULATION AND ORDER

ORDER

With the defendant's consent and upon a showing of GOOD CAUSE as set forth in the stipulation of the parties above, taking into account the public interest in the prompt disposition of this matter, the Court hereby extends the time limit for conducting a preliminary hearing from April 21, 2009 to May 26, 2009, at 10 a.m., pursuant to Rule 5.1(d) of the Rules of Criminal Procedure.

This Court further finds that the ends of justice served by granting of the requested continuance to May 26, 2009 outweigh the best interests of the public and the defendant in a speedy trial, and that the failure to grant the requested continuance would deny defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See

18 U.S.C.

§ 3161(h)(7)(A) and (B)(iv).

Based on these findings, IT IS HEREBY ORDERED THAT this matter, currently scheduled for April 21, 2009, shall be continued to May 26, 2009 at 10 a.m. for a preliminary hearing or arraignment on an information or indictment, and that the time from April 21, 2009 through May 26, 2009 shall be excluded in computing the time within which an information or an indictment must be filed pursuant to 18 U.S.C. §§ 3161(b) and (h). IT IS FURTHER ORDERED that the time from April 21, 2009 through May 26, 2009 shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: April 20, 2009

Wayne D. Brazil
HONORABLE WAYNE D. BRAZIL
United States Magistrate Judge

STIPULATION AND ORDER